



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Cleta Mitchell, Esq.
Foley & Lardner
3000 K Street, NW, #500
Washington, DC 20007

MAR 26 2009

RE: MUR 5831
Softer Voices

Dear Ms. Mitchell:

On October 6, 2006, the Federal Election Commission notified your client of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your client at that time.

Upon further review of the allegations contained in the complaint, and information supplied by your client, the Commission, on February 11, 2009, found that there is reason to believe Softer Voices violated 2 U.S.C. §§ 433, 434 and 441a(f), provisions of the Act. Also on this date, the Commission found that there is no reason to believe that Softer Voices violated 2 U.S.C. §§ 441a, 434 and 441e. The Factual and Legal Analysis, which formed a basis for the Commission's findings, is attached for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be

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demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please contact Assistant General Counsel Mark Shonkwiler or Philip Olaya, the attorney assigned to this matter, at (202) 694-1650.

On behalf of the Commission,



Steven T. Walther
Chairman

Enclosure
Factual and Legal Analysis

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Softer Voices

MUR: 5831

I. INTRODUCTION

This matter was generated by a complaint filed with the Commission by Stanley E. Levine.¹ See 2 U.S.C. § 437g(a)(1). The complaint alleges that Softer Voices, an entity organized under Section 527 of the Internal Revenue Code, spent over a million dollars, raised outside the limitations of the Federal Election Campaign Act of 1971, as amended, (the "Act") to influence the 2006 Senate election in Pennsylvania between Rick Santorum and Bob Casey. The complaint also alleges that Softer Voices failed to register with the Commission and properly report its activities to the Commission. It is also alleged that Softer Voices coordinated expenditures with Santorum 2006, Senator Santorum's principal campaign committee, resulting in excessive contributions to Santorum 2006, and that a Softer Voices' donor, Jack Templeton, was a foreign national who contributed prohibited funds to Softer Voices.

II. FACTUAL SUMMARY

Softer Voices was established on July 15, 2004 and filed disclosure reports with the Internal Revenue Service under Section 527 of the Internal Revenue Code. 26 U.S.C. § 527. It has not registered with the Commission as a political committee. In reports filed with the IRS, Softer Voices reports raising \$1,403,300 and spending \$1,266,000 during the 2006 election

¹ A complaint filed by Democracy 21 and the Campaign Legal Center alleging violations by Softer Voices was designated as MUR 5854, but subsequently those allegations were severed from MUR 5854 and merged into MUR 5831.

1 cycle, with the bulk of this activity occurring between September and November of the election
2 year. Although it did not report receiving any corporate or labor organization contributions,
3 \$1,355,000 of Softer Voices receipts were from individuals in amounts exceeding \$5,000. Since
4 the election, Softer Voices has not updated its website to reflect new activity, has made no public
5 statements reported in the press, and has not reported any new activity to the IRS.

6 Softer Voices' activities and public statements in 2006 all referenced Senator Rick
7 Santorum or his 2006 general election opponent, Robert Casey. The group's website
8 prominently features images of Santorum and shows media player clips of Softer Voices' various
9 advertisements. The website also features excerpts of a book written by Rick Santorum and
10 speeches given by him in the Senate. Prominently displayed on the webpage are links to
11 newspaper articles describing Softer Voices, including a link entitled: "Political Group Shells
12 Out \$1M To Boost Santorum's Popularity With Women." The linked article reports that Softer
13 Voices sought to "soften the image of Senator Santorum of Pennsylvania in the hope of boosting
14 his standing with female voters and saving his Senate seat for the Republican Party." See MUR
15 5854 Complaint, Exhibit F. In the same article, Lisa Schiffren, the co-founder of Softer Voices,
16 is quoted as having stated that the group's ads sought to influence voters (e.g., "It's really
17 important for conservatives to remember and for voters to remember that welfare reform was a
18 conservative issue and that people like Rick Santorum made it happen ...").² *Id.* (emphasis
19 added).

² Other materials on the website describe the organization as "a conservative issue advocacy organization ... particularly concerned with national security issues, as well as issues which affect our economy and free markets, the success and viability of our nation's families, and the culture necessary for a free and democratic society." Although it is not mentioned in any of its website materials, or in the complaint or response, Softer Voices sponsored advertising during the 2004 election that referenced George W. Bush.

1 The complaint alleges that Softer Voices raised its funds through large donations from
2 Santorum supporters, who, according to a Philadelphia Inquirer article, donated "as much as they
3 legally could to Santorum's campaign – and then gave thousands more to Softer Voices." See
4 MUR 5854 Complaint, Exhibit G. Schiffren, in commenting about 527 organizations in the
5 article, reportedly stated that "of course, it is a way around campaign finance law." *Id.* No
6 fundraising solicitations were included in the complaint or response, and we currently are unable
7 to determine what sort of message was communicated to potential donors in written or verbal
8 appeals. However, fundraising messages on the website were placed next to clips of
9 advertisements described below referencing Santorum and his 2006 candidacy, stating: "Support
10 Softer Voices. Please help us keep this ad on the air."

11 All five Softer Voices video ads shown on its website identify Rick Santorum, and two of
12 them also name Bob Casey and cast him in a critical light. As discussed below, at least one of
13 the ads appears to expressly advocate Rick Santorum's election. Two advertisements, found on
14 the website, but not discussed in the complaint, address the global war on terrorism and broadly
15 assert that Santorum is an experienced leader on national security issues and that Casey lacks
16 experience needed to provide similar leadership in this area. The ad, "We the People," shows
17 images of Osama bin Laden and other terrorists, and claims that "we live in a world of danger"
18 and that Bob Casey is still learning about these threats. The ad concludes with the phrase: "Can
19 we really risk Bob Casey learning on the job? (audio and text)³ Rick Santorum. Real.
20 Experienced. Leadership. (text only)" Another ad, "Tough Enough," depicts images of the
21 World Trade Center attacks, Americans being tortured in Iraq, and a mock nuclear attack on

³ The word "really" in this sentence is spoken on the ad's audio, but is omitted from the text shown on the screen.

1 Pittsburgh. After describing these threats and Santorum's experience, the ad concludes by
2 stating: "Senator Rick Santorum is leading the effort to prevent a nuclear Iran. Don't we need
3 leaders tough enough to face such a threat?"

4 Two other ads, which were referenced in the complaint, focus on Santorum's hiring of
5 Billy Jo Morton, a former welfare recipient, to work in one of his state offices. The ads praise
6 Santorum for giving Ms. Morton the opportunity to improve her life. One version of the ad only
7 discusses Ms. Morton's story, while a second version relates her story to the broader issue of
8 welfare reform, asserting that Santorum favors welfare reform and that Casey opposes it.⁴ The
9 "Billy Jo" ad also serves as the basis for the complaint's allegation that Softer Voices
10 coordinated expenditures with Santorum's campaign. The complaint asserts that the ad was
11 derived from Rick Santorum's book "It Takes a Family," where Ms. Morton's story was first
12 told. Disclosure reports demonstrate that Softer Voices paid a fee to Santorum's publisher for
13 the right to excerpt the story from the book. The complaint alleges that it is "extremely likely
14 that Santorum, or agents of Santorum or his campaign, were aware of and consented to the sale
15 of rights to Softer Voices, which then used those rights to publicize the story of Ms. Morton to
16 help Santorum's re-election effort. The awareness and consent of Santorum or his agents
17 constitutes assent to a suggestion for purposes of the coordination standard; it also constitutes
18 material involvement in the content of the advertisements." MUR 5831 Complaint, at 6.

⁴ A fifth ad, which also was identified in the complaint, is apparently titled "Rick Santorum Gets It," and features Jon Shestak, a "leading advocate for autistic kids." The ad features a testimonial from Mr. Shestak in which he states that "what everyone with someone with autism needs to know is that Rick Santorum is the greatest champion in Congress our kids have ever had."

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1 The Santorum Committee response, submitted jointly with Softer Voices, claims that
2 neither the candidate nor his authorized committee had "involvement with the publisher on the
3 sale or license" of the book excerpts, and notes that the complaint produced "no evidence
4 whatsoever to support [its] allegations and none exists."⁵ Santorum/Softer Voices Response at 2.
5 The response explains that Softer Voices made the payment for licensing rights to utilize
6 excerpts of the book and contends that the payment constituted "evidence that all disbursements
7 by Softer Voices were made independently of any candidate or committee." *Id.* Santorum
8 Santorum and the Santorum Committee deny having any involvement with the publisher's
9 decision to sell the book rights to Softer Voices.

10 Finally, the complaint alleges that one of Softer Voices' major donors, Jack Templeton, is
11 not a U.S. citizen and that his donations to Softer Voices may have resulted in prohibited
12 contributions under FECA. Templeton, who donated \$630,000 to Softer Voices, was described
13 in a newspaper article attached to the complaint as a citizen of the Bahamas. *See* MUR 5854
14 Complaint, Exhibit F. The response claims that the complainant is confusing donor Templeton
15 with Templeton's similarly named father (John Templeton of the Bahamas), and that the donor is
16 in fact a U.S. citizen.

17 III. ANALYSIS

18 A. Political Committee Status

19 Softer Voices may be a "political committee" subject to the contribution limitations,
20 source prohibitions, and reporting requirements of the Act. *See* 2 U.S.C. §§ 431(4)(A), 433, 434,
21

⁵ The response also claims that no excerpts were actually used by Softer Voices. But, the Billy Jo Morton story was described in Santorum's book and seems to have inspired the advertisement even if no direct lines from the book were used in the exit product.

1 441a, and 441b. The Act defines a "political committee" as any committee, club, association, or
2 other group of persons that receives "contributions" or makes "expenditures" for the purpose of
3 influencing a federal election which aggregate in excess of \$1,000 during a calendar year.

4 2 U.S.C. § 431(4)(A). To address overbreadth concerns, the Supreme Court has held that only
5 organizations whose major purpose is campaign activity can potentially qualify as political

6 committees under the Act. *See, e.g., Buckley v. Valeo*, 424 U.S. 1, 79 (1976); *FEC v.*

7 *Massachusetts Citizens for Life*, 479 U.S. 238, 262 (1986) ("MCFL"). The Commission has long

8 applied the Court's major purpose test in determining whether an organization is a "political

9 committee" under the Act, and it interprets that test as limited to organizations whose major

10 purpose is federal campaign activity. *See Political Committee Status: Supplemental Explanation*

11 and Justification, 72 Fed. Reg. 5595, 5597, 5601 (Feb. 7, 2007).

12 1. Softer Voices Has Made Expenditures Exceeding \$1,000

13 In determining whether an organization makes an expenditure, the Commission "analyzes

14 whether expenditures for any of an organization's communications made independently of a

15 candidate constitute express advocacy either under 11 C.F.R. § 100.22(a), or the broader

16 definition at 11 C.F.R. § 100.22(b)." *Supplemental Explanation and Justification, Political*

17 *Committee Status*, 72 Fed. Reg. 5595, 5606 (Feb. 7, 2007). Under the Commission's

18 regulations, a communication contains express advocacy when it uses phrases such as "vote for

19 the President," "re-elect your Congressman," or "Smith for Congress," or uses campaign slogans

20 or words that in context have no other reasonable meaning than to urge the election or defeat of

21 one or more clearly identified candidates, such as posters, bumper stickers, or advertisements that

22 say, "Nixon's the One," "Carter '76," "Reagan/Bush," or "Mondale!" *See* 11 C.F.R. § 100.22(a);

1 *see also* *MCFL*, 479 U.S. at 249 (“[The publication] provides in effect an explicit directive: vote
2 for these (named) candidates. The fact that this message is marginally less direct than “Vote for
3 Smith” does not change its essential nature.”). Courts have held that “express advocacy also
4 includes verbs that exhort one to campaign for, or contribute to, a clearly identified candidate.”
5 *FEC v. Christian Coalition*, 52 F.Supp. 2d 45, 52 (D.D.C. 1999) (explaining why *Buckley*, 424
6 U.S. at 44, n.52, included the word “support,” in addition to “vote for” or “elect,” on its list of
7 examples of express advocacy communication).

8 The Commission’s regulations further provide that express advocacy includes
9 communications containing an “electoral portion” that is “unmistakable, unambiguous, and
10 suggestive of only one meaning” and about which “reasonable minds could not differ as to
11 whether it encourages actions to elect or defeat” a candidate when taken as a whole and with
12 limited reference to external events, such as the proximity to the election. *See* 11 C.F.R.
13 § 100.22(b). In its discussion of then-newly promulgated section 100.22, the Commission stated
14 that “communications discussing or commenting on a candidate’s character, qualifications or
15 accomplishments are considered express advocacy under new section 100.22(b) if, in context,
16 they have no other reasonable meaning than to encourage actions to elect or defeat the candidate
17 in question.” *See* 60 Fed. Reg. 35292, 35295 (July 6, 1995).⁶

⁶ In *FEC v. Wisconsin Right to Life, Inc.*, 551 U.S. ___, 127 S.Ct. 2652 (2007) (*WRTL*), the U.S. Supreme Court held that “an ad is the functional equivalent of express advocacy,” and thus subject to the ban against corporate funding of electioneering communications, “only if the ad is susceptible of no reasonable interpretation other than as an appeal to vote for or against a specific candidate.” *Id.*, 127 S.Ct. at 2667. Although 11 C.F.R. § 100.22 was not at issue in the matter, the Court’s analysis included examining whether the electioneering communication had “indicia of express advocacy” such as the “mention [of] an election, candidacy, political party, or challenger” or whether it “take[s] a position on a candidate’s character, qualifications, or fitness for office.” *Id.* The Commission subsequently incorporated the principles set forth in the *WRTL* opinion into its regulations governing permissible uses of corporate and labor organization funds for electioneering communications at 11 C.F.R. § 114.15. *See* Final Rule on Electioneering Communications, 72 Fed. Reg. 72899, 72914 (Dec. 26, 2007).

1 At least one Softer Voices' advertisement, "We the People", contains express advocacy
2 under 11 C.F.R. § 100.22(a) because it uses individual words that in context can have no
3 reasonable meaning other than to urge the election of Santorum or defeat of Casey. The ad
4 depicts photographs of Santorum and his electoral opponent Casey, attacks Casey's qualifications
5 and praises Santorum's, and concludes "Can we really risk Bob Casey learning on the job?" This
6 ad is express advocacy because it identifies a candidate and references the office of Senator when
7 it refers to a "job." The only way that a viewer could "risk Bob Casey learning on the job" would
8 be by voting for him for the "job" of Senator. Thus, the ad exhorts viewers to defeat Casey and
9 not take the "risk." Moreover, the use of "risk" as a verb in the sentence is equivalent to the use
10 of verbs such as "vote for" or "elect." The ad also states: "Rick Santorum. Real. Experienced.
11 Leadership." This statement is centered on the candidate and references personal characteristics
12 unrelated to any issue. Further, the use of the word "leadership" is a reference to his election to
13 the office of Senator, where he would be a leader. The ad does not direct the reader to take
14 action to express a view on a public policy issue or urge the reader to take some action other than
15 to vote for Santorum.

16 It also appears that this advertisement contains express advocacy within the meaning of
17 11 C.F.R. § 100.22(b) because the ad touts Santorum's character, qualifications, and
18 accomplishments and attacks Casey's character, qualifications, and accomplishments "and
19 reasonable minds could not differ as to whether it encourages actions to elect or defeat a
20 candidate" when taken as a whole and with limited reference to external events, such as the
21 proximity to the election. 11 C.F.R. § 100.22(b).

1 Because Softer Voices paid for at least one advertisement that appears to contain express
2 advocacy, the related disbursements may qualify as "expenditures" under 2 U.S.C. § 431(9)(A).
3 By spending over \$1,000 on this communication, Softer Voices may have surpassed the \$1,000
4 threshold in expenditures, which provides a basis for believing that Softer Voices triggered
5 political committee status. See 2 U.S.C. § 431(4)(A).

6 2. Softer Voices Has Received Contributions Exceeding \$1,000

7 The term "contribution" is defined to include "any gift, subscription, loan, advance, or
8 deposit of money or anything of value made by any person for the purpose of influencing any
9 election for Federal office." 2 U.S.C. § 431(8)(A)(i). A gift, subscription, loan, advance, or
10 deposit of money or anything of value made by any person in response to any communication is a
11 contribution to the person making the communication if the communication indicates that any
12 portion of the funds received will be used to support or oppose the election of a clearly identified
13 Federal candidate. 11 C.F.R. § 100.57(a).

14 There is information available suggesting that Softer Voices received over \$1,000 in
15 funds in response to communications indicating that the funds received would be used to support
16 Rick Santorum's Senate reelection campaign. Softer Voices solicited donations through its
17 website by posting fundraising appeals next to video player clips of advertisements such as "We
18 the People," which asked, "Can we really risk Rob Casey learning on the job?" The fundraising
19 appeal asked website readers to "Support Softer Voices. Please help us keep this ad on the air."⁷
20 The fundraising message clearly indicates that any donated funds will be used to fund Santorum

⁷ In fact, the advertisements were sent to the website fundraising program. If you select the "contribute" button on the website's main screen, it takes you to a page containing the clips and the fundraising appeal. Clips also appear on the main page of the website, also next to fundraising appeals stating "help us keep this ad on the air."

1 advertising (in fact, over 90% of Softer Voices' spending was for Santorum advertising).⁸ By
2 soliciting funds with a message to donors indicating that the funds received will be used to
3 support Santorum's election, Softer Voices may have surpassed the \$1,000
4 threshold in contributions, which provides a basis for believing that Softer Voices triggered
5 political committee status. See 2 U.S.C. §§ 431(4)(A) and 431(8)(A)(i); 11 C.F.R. § 100.57(a).

6 3. Softer Voices Had the Major Purpose of Federal Campaign Activity

7 As detailed in the prior section, Softer Voices' public statements, television
8 advertisements, and website materials may establish that the organization's major purpose was
9 Senator Santorum's election. Prominently displayed on the webpage are links to newspaper
10 articles describing Softer Voices, including a link entitled: "Political Group Shells Out \$1M To
11 Boost Santorum's Popularity With Women." The linked article reports that Softer Voices sought
12 to "soften the image of Senator Santorum of Pennsylvania in the hope of boosting his standing
13 with female voters and saving his Senate seat for the Republican Party." See MUR 5854
14 Complaint, Exhibit F. In the same article, Lisa Schiffren, the co-founder of Softer Voices, is
15 quoted as having stated that the group's ads sought to influence voters (e.g., "It's really important
16 for conservatives to remember and for voters to remember that welfare reform was a conservative
17 issue and that people like Rick Santorum made it happen ..."). In sum, the website was entirely
18 devoted to material concerning Santorum. Its fundraising message, as set forth on its website,
19 was entirely centered on Santorum and Casey. Further, over 90% of the funds raised were spent

⁸ Even though the specific words in the appeal do not identify Santorum, the appeal's physical placement next to the Santorum ads and direct reference to the ads results in a clear identification of the candidate. See 11 C.F.R. § 100.57(a). The complaint does not include information on any other written or verbal solicitations, and the Softer Voices response does not provide any further information as to the content of its other solicitations.

1 on advertising that identified Santorum and/or his opponent, Bob Casey, broadcast shortly before
2 the 2006 general election.

3 4. Commission Determinations on Political Committee Status

4 If Softer Voices was operating as a political committee, it must comply with the Act's
5 contribution limitations. See 2 U.S.C. § 441a(f). Softer Voices, however, accepted \$1,355,000
6 in funds from individuals in excess of \$5,000. Therefore, there is reason to believe that
7 Softer Voices violated 2 U.S.C. §§ 433, 434, and 441a(f) by failing to register as a political
8 committee with the Commission; by failing to disclose its contributions and expenditures in
9 reports filed with the Commission; and by knowingly accepting individual contributions in
10 excess of \$5,000.

11 B. Coordinated Communications with Santorum 2006

12 The complaint in MUR 5831 alleges that Softer Voices made excessive in-kind
13 contributions by coordinating expenditures for the advertisement "Billy Jo" with Santorum 2006.
14 A payment for a coordinated communication constitutes an in-kind contribution to the candidate
15 or committee with whom or which it is coordinated, and must be reported as an expenditure
16 made by that candidate or committee. See 11 C.F.R. § 109.21(b)(1). A communication is
17 coordinated with a candidate, an authorized committee, a political party committee, or agent
18 thereof if it meets a three-part test: (1) payment by a third party; (2) satisfaction of one of four
19 "content" standards; and (3) satisfaction of one of six "conduct" standards. See 11 C.F.R.
20 § 109.21.

21 In this matter, the first prong of the coordinated communication test is satisfied because
22 Softer Voices is a "person other than [the] candidate, authorized committee, political party

1 committee, or agent of any of the foregoing" that paid for the two television advertisements
2 featuring Ms. Morton. 11 C.F.R. § 109.21(a)(1). The second prong of this test, the content
3 standard, is satisfied because Softer Voices' television advertisements both identify Santorum
4 and qualify as "public communications" under 11 C.F.R. § 109.21(c)(4)(i) because they were
5 broadcast within 90 days of the general election.⁹

6 The third prong, the conduct standard, is met if, *inter alia*, the communication is made at
7 the "request or suggestion" of the candidate or authorized committee or if the candidate or
8 committee "assents to the suggestion" of a person who is paying for the communication.
9 11 C.F.R. § 109.21(d)(1). The standard can also be met with the "material involvement" of the
10 candidate or authorized committee; or after "substantial discussion" with the relevant candidate
11 or committee. 11 C.F.R. § 109.21(d)(2)-(3). The "material involvement" conduct standard is
12 satisfied if a candidate or his authorized committee is materially involved in decisions regarding
13 the communication, such as its content, intended audience, means or mode, specific media outlet
14 used, timing or frequency, or size or prominence. See 11 C.F.R. § 109.21(d)(2). Similarly, a
15 "substantial discussion" has occurred if material information about the candidate's campaign
16 plans, projects, activities or needs is conveyed to a person paying for the communication.
17 11 C.F.R. § 109.21(d)(3).

18 The complaint asserts that Softer Voices coordinated its use of the Billy Jo Morton story
19 with Santorum or his campaign by obtaining Santorum's "assent" to the expenditure through his
20 agreement to sell the rights to the story. Specifically, the complaint maintains that through his
21 alleged control over the sale of the book rights, Santorum was in a position to decide whether or

⁹ IRS reports indicate that Softer Voices paid its media vendors in September, October, and November 2006.

1 not a Softer Voices ad focused on the Morton story would be produced and broadcast. Thus, the
2 complaint concludes that the nature of the book rights process allowed Santorum to control or
3 influence Softer Voices' communications and that this amounted to a coordinated
4 communication under 11 C.F.R. § 109.21(d)(1). The Santorum Committee, however, denied any
5 involvement with the publisher regarding the sale or use of the story. Given this denial, and
6 without any information presented indicating that Santorum may have coordinated with Softer
7 Voices to use the Morton story by selling the rights to the story, there is an insufficient basis for
8 an investigation into whether there may have been coordination in this matter.

9 Accordingly, there is no reason to believe that Softer Voices violated 2 U.S.C. §§ 441a
10 and 434 by making and failing to report excessive contributions, in the form of coordinated
11 expenditures, to Santorum 2006.

12 **C. Foreign National Contributions**

13 The complaint in MUR 5854 alleges that Softer Voices accepted contributions from Jack
14 Templeton, who allegedly is a foreign national. The Act prohibits foreign nationals from making
15 contributions in connection with an election to any political office and it is unlawful for any
16 person to accept such a contribution. 2 U.S.C. § 441e(a). The term "foreign national" refers to
17 an individual who is not a citizen of the United States and who is not lawfully admitted for
18 permanent residence as defined by 8 U.S.C. § 1101(a)(20). 2 U.S.C. § 441e(b)(2).

19 In response to the complaint, Respondents explain that Jack Templeton is a U.S. citizen
20 and speculates that the complainant is confusing him with his father, John Templeton, who is a
21 citizen of the Bahamas. A search of public records indicates that Jack Templeton, who
22 contributed to Softer Voices, resides in Bryn Mawr, Pennsylvania, where he works as a physician

1 and serves as president of the John Templeton Foundation, a charitable organization. The
2 Templeton Foundation website states that it was founded by Jack Templeton's father, John
3 Templeton, who did not contribute to Softer Voices, and who according to the foundation's
4 website is a citizen of the Bahamas.

5 Thus, based on the denials from the complaint responses, and evidence on the public
6 record which corroborates the respondents' explanation, there is no reason to believe Softer
7 Voices violated 2 U.S.C. § 441e(a).